



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Livable Frederick Planning & Design Office

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FREDERICK COUNTY HISTORIC PRESERVATION COMMISSION

STAFF REPORT

July 5, 2023

Address: 1902 Jefferson Pike, Frederick **Meeting Date:** July 5, 2023
Applicant: Todd and Tara Lehtonen **Report Date:** June 21, 2023
Case No.: COA 23-03 **Staff:** Amanda Whitmore
Proposal: Retroactively approve additional paving and installation of stoop

PROPERTY DESCRIPTION

The Crown Rose Estate is listed on the County Register of Historic Properties (CR # 16-01). The property consists of the entire parcel, which includes the main house, a smoke house, two spring houses, a cottage, a bomb shelter, and bank barn. The period of significance for this property is 1856 to 1962. The property is accessed from Jefferson Pike (Figure 1).



Aerial Locator Map – Oakland/Crown Rose (#CR-16-01)

Fig. 1: Subject property.

Previous applications for Certificates of Appropriateness (COA) filed for this property include:

Case Number	Date	Owner	Decision
COA #19-01	07/24/2019	Tara and Todd Lehtonen	Approved with conditions
<p>Replace all the window openings on the barn with sliding, barn-door-style louver windows to increase air flow and to allow an easier access for piped A/C to get into the building. – Applicant Withdrew Request</p> <p>Install two aluminum louver exhaust fans, one under each roof gable on the barn to assist in extracting warm air.</p> <p>Replace wooden louvers on east elevation with exact replicas.</p>			
A-COA# 20-01	10/22/2020	Tara and Todd Lehtonen	Approved
Install concrete walkway into non-contributing garage.			
COA #20-02	10/22/2020	Tara and Todd Lehtonen	Partially Approved
<p>Install generator and propane tank for barn fire suppression. Expired. Case was continued but applicant did not return within the year.</p> <p>Install exhaust fan on roof of non-contributing garage. Approved 11/4/2020</p> <p>Install grain storage facility next to non-contributing garage. Expired. Case was continued but applicant did not return within the year.</p>			
A-COA#21-05	07/15/2021	Tara and Todd Lehtonen	Approved
Repair window glazing, shutter pieces, and replace in-kind as needed.			
COA#21-05	07/15/2021	Tara and Todd Lehtonen	Approved
Install storm doors and windows on the main house.			
COA#22-04	5/19/2022	Tara and Todd Lehtonen	Approved
Install grain storage container.			
COA#22-05	5/18/2022	Tara and Todd Lehtonen	Approved with conditions

Pave and widen gravel drive to tenant house.			
Pave gravel drive to barn.			
Add paved walkway from barn drive to tenant house parking area.			
Pave 12 parking spaces and 4 ADA spaces.			
A-COA#23-06	5/18/2023	Tara and Todd Lehtonen	Approved
Replace asphalt shingle roof over main house with asphalt shingle.			

PROPOSAL

The applicant is seeking retroactive approval for paving around the barn and the reconstruction of a rear stoop on the main house. The additional asphalt walk wraps northwesterly around the barn drive and intersects with the bank barn ramp. The additional asphalt walk also extends south from the previously approved ADA walkway towards the garages and then crosses the barn drive to create an asphalt walk before it meets the existing concrete walkway. Asphalt paving was installed from the previously approved COA #22-05 for an ADA walkway from the tenant house parking to the edge of the barn driveway.

An existing rear stoop was rebuilt on the west elevation of the main house. The new stoop is 38 ½" tall, 62 ½" wide at the top of the landing, and 45 ½" wide at the bottom riser. Three steps rise from the sidewalk and end in a small landing and then two more steps rise ending in the top landing. The new stoop is a mixture of materials consisting of wood, vinyl, and trex. A removable 98" long and 18" wide ramp can be placed on the southern edge of the landing where the balustrade can be hinged.

APPLICABLE GUIDELINES

When reviewing alterations within a designated County Register property several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Frederick County Historic Preservation Code: Chapter 1-23*, the *Frederick County Register of Historic Places Design Guidelines (Guidelines)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Frederick County Code: Chapter 1-23-7B

- (1) In reviewing applications, the Commission shall give consideration to the historic, archeological, or architectural significance of the landmark, site, or structure and its relationship to the historic, archeological, or architectural significance of the surrounding area; the relationship of the exterior architectural features of a landmark or structure to the remainder of the landmark or structure and to the

surrounding area; the general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the landmark, site, or structure and to the surrounding area; and any other factors including aesthetic factors which the Commission deems to be pertinent.

- (2) The Commission shall consider only exterior features of a landmark or structure and shall not consider any interior arrangements.
- (3) The Commission shall not disapprove an application except with respect to the several factors specified in paragraph (1) above.
- (4) The Commission shall be strict in its judgment of plans for sites or structures determined by research to be of historic, archeological, or architectural significance. The Commission shall be lenient in its judgment of plans for sites or structures of little historic, archeological, or architectural significance, or of plans involving new construction, unless in the Commission's judgment such plans would seriously impair the historic, archeological, or architectural significance of surrounding sites or structures. The Commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one (1) period.

Frederick County Register of Historic Places Design Guidelines

The *Guidelines* contain a Setting and Site Chapter (Chapter 3), Building Exteriors (Chapter 4), Landscape and Site Features Chapter (Chapter 5), and Considerations for Contemporary Use (Chapter 8) that should be referred to when reviewing this COA application. These sections of the *Guidelines* provide the following guidance:

Setting and Site: Circulation Systems (Chapter 3.A.1)

Circulation systems for vehicles and pedestrians, including roads, streets, driveways, parking areas, walkways, pathways, and sidewalks, are important characteristics of a setting.

The expansion or construction of new circulation systems can negatively impact the historic character of a setting.

New work should be compatible with the size, scale, materials, and placement or siting of historic circulation features.

Setting and Site: Preserving Historic Settings (Chapter 3.A.3)

The setting of all historic properties shall be preserved by:

- Carefully considering the siting of new construction, including buildings, driveways, parking lots, and landscape improvements so that the historic character of a property is not altered.

Building Exteriors: Porch Elements (Chapter 4.F.2)

Whenever possible, deteriorated porch elements should be repaired rather than replaced.

Only elements deteriorated beyond repair should be replaced.

Building Exteriors: Steps and Railings (Chapter 4.F.3)

Steps for accessing a porch or building entrance historically were made of wood, stone, or brick and they can be important character-defining features of an historic building. Their replacement with concrete steps is not unusual but should be avoided.

Often the steps have railings, typically made of wood or metal. If railings are required to meet current building codes or personal needs and they did not originally exist, new railings should be designed simply and in keeping with the historic character of the building.

Historic steps and railings should be repaired rather than replaced whenever possible. If deterioration is beyond repair and replacement is necessary, they should be replaced in-kind.

Landscape and Site Features: Landscape Features and Materials, Circulation (Chapter 5.D.1)

Historic paving materials used for vehicular and pedestrian surfaces may include brick, stone, or other masonry pavers, concrete, gravel, tile or other mosaic treatments, and asphalt.

The patterning and detailing of paving materials impact the character of a streetscape or landscape and should be retained and preserved.

Proposed new paths and paving should be in keeping with the character and appearance of existing historic paving on the site or in the neighborhood.

All proposed new paving will be reviewed by the Commission on a case-by-case basis.

Considerations for Contemporary Use: Accessibility Improvements (Chapter 8.C.)

In creating barrier-free access to an historic site, the path of travel from a parking lot, sidewalk, or public street to the entrance of a building should consider the following:

- The path of travel should be as short and direct as possible.
- The path of travel should be appropriately graded.
- The path of travel should have a firm and slip-resistant surface.
- The path of travel should be of adequate width.
- Care should be taken to modify existing paths to meet an accessible pedestrian

path through an historic landscape should be considered and designed in a similar manner to an accessible path to a building entrance.

Whenever possible, without destroying the character-defining features of a landscape, a pedestrian route should be barrier free. This may include modifying the width of a walkway, considering pavement pattern, texture, and joint details, and regrading for gentler slopes.

Secretary of the Interior's Standards for Rehabilitation

The *Standards* define rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” The *Standards* that are most applicable to the application before the Commission are as follows:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF EVALUATION

Although the work has already been completed, Staff is reviewing this application as though the work has not already occurred. The applicant is seeking approval for additional asphalt paving near the barn and for the replacement of a rear stoop at the main house.

Existing paving materials at the property include asphalt, concrete, and brick, with brick and concrete constituting the historic paving materials onsite. The applicant has stated that the additional paving is necessary to provide ADA access to the barn. A concrete walkway on the southern side of the barn was installed in 2018, prior to the property's designation to the County Register. It runs the length of the barn and intersects with the driveway. This walkway is an extension of a concrete pad located under the barn bay.

Another concrete walkway was installed prior to County Register designation on the western side of the barn to meet ADA requirements. This walkway connects to the lower concrete sidewalk and loops up and around to the bank ramp. The applicant's engineer has indicated that the walkway does not meet ADA requirements and a new walkway is required. A concrete sidewalk leading from the non-contributing garage/distillery bonded building was administratively approved under A-COA# 20-01. Based on the plan provided by the applicant for that COA and the photographs provided with the current COA application, it appears that the concrete sidewalk was not installed and that asphalt was installed instead. A new asphalt ADA walkway was approved in July 2022 under COA 22-05. During the discussion and deliberations between the Commission and applicant of that COA, the area around the barn was discussed. The applicant stated that nothing was going to occur around the barn and that if paving were to occur there concrete or tar and chip around the barn would be acceptable. Commissioner Lynch asked that the minutes reflect that the area around the barn was not being addressed with COA 22-05.

The rear stoop at the main house that is to be replaced consists of five wooden steps with a simple wooden handrail on the northern side of the stairs. The applicant indicates their insurance company is requiring the stairs to be "fixed" and "to repair them due to being unsafe." No further information was provided in the application about the safety issues the insurance company identified. The applicant is proposing to replace the stairs entirely with a new design and materials.

Guideline	Met?	Comments
3AI: Setting and Site: Circulation Systems	No	The <i>Guidelines</i> state that the construction of new circulation systems can negatively impact the historic character of a setting and new work should be compatible with the size, scale, materials, and placement or siting of historic circulation features. The property is being adapted to a new use of an event space; therefore, ADA requirements must be met. Walkways must be of adequate width and with a firm and slip-resistant surface. Therefore, the proposed new paving cannot be compatible to the size and scale of the historic circulation features since the historic pathways are not adequately wide. However, the proposed asphalt material is not a compatible material. As previously mentioned, historic paving materials for walkways on the property consist of concrete or brick. Concrete walkways between the tenant house and main house and frame spring house and stone springhouse are existing examples, along with a brick walkway in front of the smokehouse. ADA requirements do not specify the surface has to be asphalt, only that it must be firm and slip resistant. While

		asphalt was previously approved by the HPC for an ADA walkway, Staff objected to the material choice since it was not a historic material found on the property. Asphalt is black, whereas the brick is red hues and concrete is tan. Additionally, the gravel drives are light gray. Black asphalt would be a contrast between the softer paving hues that historically exist. A concrete walkway would be a compatible material choice and meet the design guidelines.
3A3: Setting and Site: Preserving Historic Settings	Partially	The <i>Guidelines</i> state that the setting of historic properties shall be preserved by carefully considering the siting of new construction, including landscape improvements so that the historic character of a property is not altered. The setting of Crown Rose is a rural farm consisting of open fields of greens and browns, large green yards, brown and white wooden fencing, gravel drives, and green and colorful vegetation. From a distance the introduction of additional asphalt may not appear to alter the historic setting, but closer to the proposed asphalt paving it will alter the historic setting of the farm.
4F2: Building Exteriors: Porch Elements	No	The <i>Guidelines</i> state that whenever possible deteriorated porch elements should be repaired rather than replaced and that only elements deteriorated beyond repair should be replaced. The applicant did not provide information regarding any elements of the stoop that were deteriorating.
4F3: Building Exteriors: Steps and Railings	No	The <i>Guidelines</i> state that steps and railings should be repaired rather than replaced or replaced in-kind. Additionally, steps for accessing a building entrance were historically made of wood, stone, or brick and railings were typically made of wood or metal. The current steps proposed to be replaced are not historic. However, the proposed replacement steps introduce materials that are not appropriate to the historic building's exterior, such as trex and vinyl. Those materials must not be utilized. The proposed railing is not simple in design and is made of vinyl. Wood steps with simple wood railings would be an appropriate choice.

5DI: Landscape and Site Features: Landscape Features and Materials, Circulation	No	The <i>Guidelines</i> state proposed new paths and paving should be in keeping with the character and appearance of existing historic paving on the site. As previously stated, the existing historic paving on site includes brick and concrete. The proposed asphalt would not be in keeping with the character and appearance of existing historic paving.
8C: Considerations for Contemporary Use: Accessibility Improvements	Mostly	The <i>Guidelines</i> state that when creating barrier-free access to a historic site, the path of travel should be as short and direct as possible, appropriately graded, have a firm and slip-resistant surface, and be of adequate width. The proposed additional paving meets the guidance for providing a barrier-free pathway. However, the guidance also states that whenever possible modifications should be considered to avoid destroying character-defining features of a landscape which could include pavement pattern, texture, and joint details. Asphalt is not a required ADA material. Concrete would be an appropriate choice.

STAFF RECOMMENDATION

Based on the evaluation of the application against the Frederick County Design Guidelines, Staff recommends the following:

- The Commission **Approve with Conditions** a portion of COA #23-03 for the proposed paving as shown with the condition that the asphalt material is changed to concrete. With this condition, it can be found that the proposed paving will not substantially alter the exterior features of the historic resource, is compatible in character to the landmark and the surrounding area, and is consistent with the *Guidelines* and the *Secretary of the Interior's Standards for Rehabilitation* #1, #2, #9, and #10.
- The Commission **continue for additional information** the remaining portion of COA #23-03 for the proposed back stoop. The applicant has not provided information as to why the existing stoop is unsafe and what elements are deteriorated beyond repair. If the applicant provides testimony that addresses these concerns and the Commission determines the replacement of the stoop is necessary, Staff recommends a simple, wooden stoop be constructed and a drawing illustrating the simple stoop be provided before a decision is made.

Since the work has already been completed, and if the Commission does not find the work appropriate with the Guidelines as proposed, the Commission may choose to:

- Have the property owner correct the violation so that the work will meet the Design Guidelines;
- Work with the applicant to find a compromise such as tinting the asphalt to appear like concrete, installing vegetation to disguise the work, etc.; and/or
- Create a timeline for which the property owner must correct the violation.

HISTORIC PRESERVATION COMMISSION ACTION

Madam Chair, I have studied the application and all other relevant documents and presentations related to this case and I am familiar with the property in question. I find that the proposed paving, if constructed with the conditions as listed in the staff report, that the project will be compatible with the character of the historic property.

I move to approve with the following conditions a portion of COA # 23-03 for the proposed paving at 1902 Jefferson Pike as proposed in the staff report which will make the application meet the following criteria:

1. The proposed condition will meet section 3.A Setting and Site, 5.D Landscape and Site Features, and section 8.C Considerations for Contemporary Use of our design guidelines.
2. The proposed condition to utilize concrete is compatible with the character of the property because the material is in harmony with our design guidelines and the character of the overall property.

And that the remaining portion of COA # 23-03 for 1902 Jefferson Pike be Continued for additional information to include _____ on the proposed stoop.